

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

SW LOGISTICS, INC., a California  
corporation,

Plaintiff,

vs.

EVERMETAL, INC., a New Jersey  
corporation doing business in California;  
SD AND SONS, INC., a California  
corporation; and Doe Defendants 1 through  
10,

Defendants.

Case No.: CV-14-3165(CRB)

**JOINT STIPULATION AND  
ORDER**

EVERMETAL, INC., a New Jersey  
corporation; SD AND SONS, INC., a  
California Corporation,

Plaintiffs,

vs.

MEGA METALS AND IRONS LLC, a  
California Corporation; ACE METALS  
AND IRONS RECYCLING LLC, a Texas  
Corporation; JUSTIN LEE, an individual;  
and DOES 1 through 20, inclusive,

Defendants.

**STIPULATION**

The undersigned, counsel for Plaintiff and for all named Defendants, hereby jointly stipulate and request that:

- the minute order (Docket entry #33) referring the instant matter to private ADR be vacated by Judge Breyer;
- the Plaintiff and Defendant be ordered instead to participate in a mediation to be arranged by the Northern District ADR Unit for a date more than thirty days hence and less than ninety days hence; and,
- The status conference set for Friday, October 9, 2015, on Judge Breyer's calendar be continued to an available court date in early February of 2016.
- The undersigned have read the facts set forth in the accompanying Joint Case Management Statement and they agree that the facts are true, to the best of their knowledge and belief.

Undersigned counsel are simultaneously filing their Joint CMC Statement. It elaborates on the facts and sets forth the reasoning that underpins this Stipulation.

IT IS SO STIPULATED.

Dated: October 6, 2015

TONSING LAW FIRM

By \_\_\_\_\_ /S/  
Michael J. Tonsing  
Attorneys for Plaintiff

Dated: October 6, 2015

NIXON PEABODY LLP

By \_\_\_\_\_ /S/  
Jason P. Gonzalez  
Attorneys for Defendants

**ORDER**

The Court has read and reviewed the above Stipulation jointly submitted by counsel for the Plaintiff and the named Defendants; and,

GOOD CAUSE APPEARING, the requests made in their Joint Case Management Conference Statement are hereby GRANTED.

The Court's Minute Order, set forth in Docket entry Number 33 is hereby VACATED. The Court instead orders Plaintiff and the named Defendants to arrange for a mediation under the auspices of the Northern District's ADR Unit, such mediation to take place no less than 30 days from the date this Order is filed, and no more than 90 days from that date.

The Status Conference previously set for Friday, October 9, 2015, at 8:30AM is hereby CONTINUED to February 12, 2016, at 8:30 a.m., in the courtroom of the undersigned. A Joint Status Conference Statement shall be filed on February 5, 2015.

IT IS SO ORDERED.

Dated: October 8, 2015

  
\_\_\_\_\_  
U.S. District Court Judge